

**STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.**

1 Valuation of Security      0 Assumption of Executory Contract or Unexpired Lease      4 Lien Avoidance

Last revised: December 1, 2017

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

In Re: **Brian J. Russick**

Case No.: **17-27294**

Judge: **JNP**

Debtor(s)

**CHAPTER 13 PLAN AND MOTIONS**

☐ Original  
☒ Motions Included

☒ Modified/Notice Required  
☐ Modified/No Notice Required

Date: **4-2-2018**

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney **TGE**

Initial Debtor: **BJR**

Initial Co-Debtor

### Part 1: Payment and Length of Plan

a. The debtor shall pay **\$250.00 Monthly** to the Chapter 13 Trustee, starting on **May 1, 2018** for approximately **40** remaining months for a total of **48** months. (**\$1,750.00 paid to date**)

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings  
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property  
Description:  
Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property:  
Description:  
Proposed date for completion: \_\_\_\_\_

☒ Loan modification with respect to mortgage encumbering property:  
Description: **321 Center Ave., Runnemede, NJ 08078**  
Proposed date for completion: **Complete - Motion to approve loan modification filed 3-28-2018**

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

### Part 2: Adequate Protection

☐ NONE

a. Adequate protection payments will be made in the amount of \$ **35.00** to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to **Credit Acceptance**. (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

### Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
<b>McDowell Law PC</b>	<b>Supplemental Attorney Fees</b>	<b>\$1,837.36</b>
McDowell Posternock Apell & Detrick PC	Attorney Fees	\$2,750.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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#### Part 4: Secured Claims

##### a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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##### b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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##### c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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##### d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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Jan Walter	321 Center Ave., Runnemede NJ 08078	\$3,043.00	\$93,500.00	\$285,051.40	0	n/a	0
New Century Financial Services	321 Center Ave., Runnemede NJ 08078	\$8,170.00	\$93,500.00	\$285,051.40	0	n/a	0
Portfolio Recovery	321 Center Ave., Runnemede NJ 08078	\$2,767.00	\$93,500.00	\$285,051.40	0	n/a	0
Midland Funding LLC	321 Center Ave., Runnemede NJ 08078	\$4,128.00	\$93,500.00	\$285,051.40	0	n/a	0
Credit Acceptance - POC 1	Audi A4 - 2005	\$2,001.50	\$4,650.00	0	\$2,001.50	5%	\$2,212.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender ☒ NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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**f. Secured Claims Unaffected by the Plan ☐ NONE**

The following secured claims are unaffected by the Plan:

Creditor

Ditech Financial LLC fka Green Tree Servicing LLC - POC 4 - Motion to approve loan modification filed 3-28-2018

**g. Secured Claims to be Paid in Full Through the Plan ☐ NONE**

Creditor	Collateral	Total Amount to be Paid through the Plan
Camden County MUA - POC 3	321 Center Ave., Runnemede, NJ 08078	\$959.00

**Part 5: Unsecured Claims ☐ NONE**

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ \_\_\_ to be distributed *pro rata*

☐ Not less than \_\_\_ percent

☒ *Pro Rata* distribution from any remaining funds

b. **Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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**Part 6: Executory Contracts and Unexpired Leases ☒ NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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**Part 7: Motions** ☐ **NONE**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).** ☐ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Jan Walter	321 Center Ave., Runnemede NJ 08078	Judgment	\$3,042.00	\$93,500.00	\$1.00	\$285,051.40	\$3,042.00 - entire amount
New Century Financial Services	321 Center Ave., Runnemede NJ 08078	Judgment	\$8,170.00	\$93,500.00	\$1.00	\$285,051.40	\$8,170.00-entire amount
Portfolio Recovery	321 Center Ave., Runnemede NJ 08078	Judgment	\$2,767.00	\$93,500.00	\$1.00	\$285,051.40	\$2,767.00-entire amount
Midland Funding LLC	321 Center Ave., Runnemede NJ 08078	Judgment	\$4,128.00	\$93,500.00	\$1.00	\$285,051.40	\$4,128.00-entire amount

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.** ☒

**NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.** ☐ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured		Amount to be Reclassified as Unsecured
<b>Credit Acceptance - POC 1</b>	<b>Audi A4 - 2005</b>	<b>\$2,001.50</b>	<b>\$4,650.00</b>		<b>\$2,001.50</b>	<b>unknown</b>

#### Part 8: Other Plan Provisions

##### a. Vesting of Property of the Estate

- ☒ Upon Confirmation  
☐ Upon Discharge

##### b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

##### c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**
- 4) **Lease Arrearages**
- 5) **Priority Claims**
- 6) **General Unsecured Claims**

##### d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

#### Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: **4-2-2018**.

Explain below <b>why</b> the plan is being modified:	Explain below <b>how</b> the plan is being modified:
To indicate that the modification of the mortgage on 321 Center Ave, Runnemede NJ is now complete and supplemental fees are being added. Plan extended 12 months.	To indicate that the modification of the mortgage on 321 Center Ave, Runnemede NJ is now complete and supplemental fees are being added. Plan extended 12 months.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

#### Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

- ☒ NONE  
☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date	<u>April 2, 2018</u>	<u>/s/ Thomas G. Egner, Esq.</u> Thomas G. Egner, Esq. Attorney for the Debtor
Date:	<u>April 2, 2018</u>	<u>/s/ Brian J. Russick</u> Brian J. Russick Debtor
Date:	_____	_____ Joint Debtor

### Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date	<u>April 2, 2018</u>	<u>/s/ Thomas G. Egner, Esq.</u> Thomas G. Egner, Esq. Attorney for the Debtor
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I certify under penalty of perjury that the above is true.

Date:	<u>April 2, 2018</u>	<u>/s/ Brian J. Russick</u> Brian J. Russick Debtor
Date:	_____	_____ Joint Debtor

**Certificate of Notice Page 8 of 9**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Brian J. Russick  
 Debtor

Case No. 17-27294-JNP  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 41

Date Rcvd: Apr 05, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 07, 2018.

db +Brian J. Russick, 321 Center Ave., Runnemede, NJ 08078-1535  
 aty +Phelan Hallinan Diamond & Jones, 400 Fellowship Road, Suite 100,  
 Mt. Laurel, NJ 08054-3437  
 cr +DITECH FINANCIAL LLC, Phelan Hallinan & Schmieg, PC, 400 Fellowship Road, Suite 100,  
 Mt. Laurel, NJ 08054-3437  
 517030262 +ARS/Account Resolution Specialist, Po Box 459079, Sunrise, FL 33345-9079  
 517030263 +Borough of Runnemede, Attn: Tax Office, 24 N. Black Horse Pike, Runnemede, NJ 08078-1663  
 517030264 +Camden County MUA, PO Box 1105, Bellmawr, NJ 08099-5105  
 517138096 +Camden County MUA, 1645 Ferry Avenue, Camden, NJ 08104-1311  
 517030265 +Capital One, Attn: Bankruptcy, PO Box 30253, Salt Lake City, UT 84130-0253  
 517030266 +Capital One Bank USA NA, Bankruptcy Dept., PO Box 30285, Salt Lake City, UT 84130-0285  
 517030267 +Commonwealth Financial Systems, 245 Main St, Dickson City, PA 18519-1641  
 517030268 +Credit Acceptance, 25505 West 12 Mile Rd, Suite 3000, Southfield, MI 48034-8331  
 517030271 +Equifax Information Services, PO Box 740241, Atlanta, GA 30374-0241  
 517030272 +Experian, PO Box 4500, Allen, TX 75013-1311  
 517030273 +Financial Recoveries, PO Box 1388, Mount Laurel, NJ 08054-7388  
 517030274 +IC Systems, Inc, Attention: Bankruptcy, PO Box 64378, St Paul, MN 55164-0378  
 517030276 Jan Waters, 1319 Lafayette Ave, Westville, NJ 08093  
 517030278 +Midwest Recovery Syste, 2747 W Clay Street, Saint Charles, MO 63301-2557  
 517030283 +PSE&G, 80 Park Plaza, Newark, NJ 07102-4194  
 517125819 +PSE&G, Attn: Bankruptcy, PO Box 14444, New Brunswick, NJ 08906-4444  
 517030280 +Phelan Hallinan Diamond & Jones, 400 Fellowship Road, Suite 100,  
 Mount Laurel, NJ 08054-3437  
 517030282 Pressler & Pressler, LLP, 7 Entin Road, Parsippany, NJ 07054-5020  
 517030284 South Jersey Gas, PO Box 6091, Bellmawr, NJ 08099-6091  
 517030287 +State of New Jersey Division of Taxation, Bankruptcy Section, PO Box 245,  
 Trenton, NJ 08695-0245  
 517030288 +TransUnion, PO Box 2000, Chester, PA 19016-2000  
 517030289 +Verizon, Verizon Wireless Bankruptcy Administrati, 500 Tecnolgy Dr Ste 500,  
 Weldon Springs, MO 63304-2225  
 517030290 +Wells Fargo Bank, Po Box 10438, Macf8235-02f, Des Moines, IA 50306-0438

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Apr 05 2018 23:28:15 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Apr 05 2018 23:28:10 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 517030269 +E-mail/PDF: creditonebknofications@resurgent.com Apr 05 2018 23:26:36 Credit One Bank Na,  
 Po Box 98873, Las Vegas, NV 89193-8873  
 517116482 E-mail/Text: bankruptcy.bnc@ditech.com Apr 05 2018 23:27:54  
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,  
 Rapid City, South Dakota 57709-6154  
 517030270 +E-mail/Text: bankruptcy.bnc@ditech.com Apr 05 2018 23:27:54 Ditech Financial, LLC,  
 PO Box 6154, Rapid City, SD 57709-6154  
 517030275 +E-mail/Text: cio.bncmail@irs.gov Apr 05 2018 23:27:41 Internal Revenue Service,  
 Centralized Insolvency Operation, PO Box 7346, Philadelphia, PA 19101-7346  
 517234290 E-mail/PDF: resurgentbknofications@resurgent.com Apr 05 2018 23:31:57 LVNV Funding LLC,  
 c/o Resurgent Capital Services, P O Box 10675, Greenville, SC 29603-0675  
 517201173 E-mail/PDF: resurgentbknofications@resurgent.com Apr 05 2018 23:31:58  
 LVNV Funding, LLC its successors and assigns as, assignee of FNB, LLC,  
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587  
 517181421 +E-mail/Text: bankruptcydpt@mcmcg.com Apr 05 2018 23:28:10 MIDLAND FUNDING LLC,  
 PO Box 2011, Warren, MI 48090-2011  
 517030277 +E-mail/Text: bankruptcydpt@mcmcg.com Apr 05 2018 23:28:10 Midland Funding,  
 8875 Aero Drive, Suite 200, San Diego, CA 92123-2255  
 517030279 +E-mail/PDF: bankruptcy@ncfsi.com Apr 05 2018 23:26:13 New Century Financial Services, Inc.,  
 110 S Jefferson Road, Whippany, NJ 07981-1038  
 517030281 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Apr 05 2018 23:26:10  
 Portfolio Recovery Associates, 120 Corporate Blvd., Suite 100, Norfolk, VA 23502  
 517030286 +E-mail/Text: bankruptcy@sw-credit.com Apr 05 2018 23:28:16 Southwest Credit Systems,  
 4120 International Parkway Ste 1100, Carrollton, TX 75007-1958  
 517030285 +E-mail/Text: bankruptcy@sw-credit.com Apr 05 2018 23:28:16 Southwest Credit Systems,  
 4120 International Parkway, Carrollton, TX 75007-1958  
 517030289 +E-mail/Text: wfmelectronicbankruptcyntifications@verizonwireless.com Apr 05 2018 23:27:19  
 Verizon, Verizon Wireless Bankruptcy Administrati, 500 Tecnolgy Dr Ste 500,  
 Weldon Springs, MO 63304-2225  
 517133546 +E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM Apr 05 2018 23:31:58 Verizon,  
 by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901

TOTAL: 16



District/off: 0312-1

User: admin  
Form ID: pdf901

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Total Noticed: 41

Date Rcvd: Apr 05, 2018

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

lm\* Ditech Financial, LLC, PO Box 6154, Rapid City, SD 57709-6154

TOTALS: 0, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 07, 2018

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 2, 2018 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,  
bkgroup@kmlawgroup.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Nicholas V. Rogers on behalf of Creditor DITECH FINANCIAL LLC nj.bkecf@fedphe.com  
Thomas G. Egner on behalf of Debtor Brian J. Russick tegner@mpadlaw.com,  
kgresh@mcdowellllegal.com;djamison@mcdowellllegal.com;lwood@mcdowellllegal.com;cgetz@mcdowellllegal.c  
om;mfunk@mcdowellllegal.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5